

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FANYA YOUNG,

Plaintiff,

v.

THIRD AND MISSION ASSOCIATES, LLC,  
d/b/a THE PARAMOUNT; RELATED  
PROPERTY MANAGEMENT COMPANY LP;  
RELATED COMPANIES OF CALIFORNIA,  
INC.; KIMBALL, TIRFY & ST. JOHN, LLP; and  
DOES 1 through 10, inclusive,

Defendants.

No. C 14-03627 WHA

**ORDER MEMORIALIZING  
AUGUST 19 REQUESTS**

On August 18, plaintiff filed a motion to continue her motion for a preliminary injunction so that she could depose Attorney Douglas Applegate and obtain documents from a 2005 malpractice action in state court. On August 19, the parties appeared for a hearing. Plaintiff was given time to depose Attorney Applegate (or seek his signed declaration under oath) and obtain his documents. This order memorializes the key points from the supplemental briefing schedule set.

1. By **AUGUST 29 AT NOON**, plaintiff shall file a brief addressing the following:

(i) the testimony from Attorney Applegate (assuming it was taken) and the records from the 2005 malpractice lawsuit and the judicial findings therein (please append all relevant documents);

(ii) the collateral estoppel and/or res judicata effect, if any, of the rulings made in the unlawful detainer action against plaintiff (please address the order denying the motions to

dismiss and the judgment entered therein, and please explain how plaintiff can relitigate issues in this federal action when they appear to have been decided by the state court);

(iii) show cause why plaintiff should not be barred from proceeding in this action based on a finding that she could have raised her federal claims as affirmative defenses in the state court unlawful detainer action that resulted in a judgment against plaintiff;

(iv) how the Code of Federal Regulations sections referenced in the complaint could possibly apply to the unit at issue in this action (please address 24 C.F.R. 247.1 and 24 C.F.R. 247.2, identify which part of the definition of “subsidized project” applies herein, and all proof that the unit at issue was a “subsidized project” during the relevant time period);

(v) the basis for subject-matter jurisdiction for each claim pled in the complaint filed in this federal action; and


(vi) whether a Fair Credit Reporting Act claim has been pled in the complaint filed in this action.

This is plaintiff’s last chance to make her best case for her motion for a preliminary injunction. Please provide a declaration specifically identifying and appending all documents that plaintiff is relying on for her motion.

2. Defendants have until **SEPTEMBER 2 AT NOON** to respond. Please file a declaration appending all relevant documents, including the orders from the unlawful detainer action.

3. Both sides are urged to keep their briefs to fewer than twenty pages.

Dated: August 19, 2014.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE